

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

**THIS DOCUMENT RELATES TO**

*United States of America ex rel. Ven-A-Care  
of the Florida Keys, Inc. v. Abbott  
Laboratories, Civil Action No. 06- 11337*

*United States of America ex rel. Ven-A-Care  
of the Florida Keys, Inc. v. Dey L.P., et al.,  
Civil Action No. 05- 11084*

*United States of America ex rel. Ven-A-Care  
of the Florida Keys, Inc. v. Boehringer  
Ingelheim Corp., et al., Civil Action No. 07-  
10248*

*United States of America ex rel. Ven-A-Care  
of the Florida Keys, Inc. v. Abbott  
Laboratories, Civil Action No. 07-11618*

*United States of America ex rel. Ven-A-Care  
of the Florida Keys, Inc. v. Actavis, et al,  
Civil Action No. 08-10852*

MDL NO. 1456  
Master File No. 01-12257-PBS

Subcategory Case No. 06-11337

Hon. Patti B. Saris

**JOINT MOTION TO EXTEND TIME FOR MEDIATION IN CMO 32**

Relator, Ven-A-Care of the Florida Keys, Inc. (“Ven-A-Care” or “Relator”) and the Defendants in this action file this Joint Motion to Extend Time for Mediation in CMO 32 and further state:

1. The parties submitted a proposed joint case management order to the Court providing for mediation to occur in front of a jointly agreed to mediator by July 1, 2010. The Court entered the parties’ proposed CMO on February 17, 2010. (“CMO 32”).

2. Since that time, the Relator has made progress towards resolving the claims against several individual defendants through informal, one-on-one negotiations. The Relator and the remaining Defendants continue to engage in such discussions.
3. The parties have agreed to select Professor Eric Green as the mediator for the claims at issue. However, at this time and for the next several months, the parties believe that a formal mediation with Professor Green would be premature. Rather, the parties would like to continue their informal discussions.
4. Therefore, the parties hereby request an extension of the deadline for mediation until October 29, 2010. Extending the deadline until that date, will allow the parties additional time to continue their discussions and will likely lead to a more productive formal mediation, if necessary, with Professor Green prior to October 29, 2010.

Dated: June 26, 2010

Respectfully submitted,

Attorneys for Ven-A-Care of  
the Florida Keys, Inc.

/s/ Alison W. Simon  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 26th day of June, 2010 caused an electronic copy of the above JOINT MOTION TO EXTEND TIME FOR MEDIATION IN CMO 32 to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Alison W. Simon  
Alison W. Simon